



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 6th December 2023

Ref: FOI 2023/1125

Dear,

I write in connection with your request for information dated 10th November 2023 concerning what falls within the remit of a Police and Crime Commissioner's review of a complaint.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and after having consulted our Complaints team – I am now able to respond as follows.

You wrote:

Under the Freedom of Information Act could you please clarify exactly what falls within the remit of a PCC review of a complaint and what exactly falls within "reinvestigation" which you say is excluded from a review. Is this mentioned in any training manuals, notes, videos, or internal process documents, etc.? If so please supply a copy of these.

Also, under the Freedom of Information Act, would you please explain the derivation of the "no reinvestigation" restriction. That is please supply references to official guidance, statutory guidance, or the actual statutes where your "no reinvestigation" restriction arises. I particularly want to see where the reviewer's interpretation of "no reinvestigation" arises in the official external guidance/regulations.

Well written documents defining the processes you work under should have defined the derivation of rules such as "no reinvestigation", hence possibly the source of this rule is explained in the documents supplied for the first part of this request.

Our response:

Information pertaining to statutory guidance you require, can be found readily available in the public domain and is therefore exempt under Section 21 – Information Reasonably Accessible by Other Means.

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Please refer to the following link below which will provide you with the information you require:

<https://www.policeconduct.gov.uk/publications/statutory-guidance-2020>

Wiltshire Police follow the statutory guidance provided by the IOPC. Chapter 18 (parts 2 and 29) of the statutory guidance which you can download provides the information you require regarding reviews.

Furthermore, the IOPC have an FAQ document regarding reviews which might be useful for you, which can be found here:

[Reviews - FAQs | Independent Office for Police Conduct \(IOPC\)](#)

In section 1.1 of the FAQ document, there is a note outlined in a red box confirming the point regarding re-investigation.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemption applied:

Section 21 – Information Reasonably Accessible by Other Means

In accordance with Section 17 of the Act, this letter represents a partial Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

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4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review, they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk